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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,129	07/29/2003	Thomas P. Dawson	SON5180.25A	6697

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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,129

Applicant(s)

DAWSON ET AL.

Examiner

KIEU-OANH T. BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

2. Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Reisman (U.S. Patent Pub No. 2003/0229900 A1).

Regarding claim 1, Reisman discloses “an apparatus for accommodating a fast change of digital streaming formats or sources in a video server system connected to one or more video display devices over a communications link” (Figs. 1, 2A & 2B, and page 14, par. 0098 for a home system for receiving digital streaming media connected to a plurality of display devices- also illustrated in Fig. 3, and streaming formats in various forms, refer to page 11, par. 0077 to par. 0081 for different kinds of streaming formats and forms for video and audio including still images; for video servers, refer to page 6, par. 0048; and a communication links, refer to Fig. 1 and page 12, par 0086 & 0087 for communication network protocols including logical path and physical communications paths), comprising: “a video stream controller; and means associated with said video stream controller for allowing the format or source of a digital video stream to change without breaking the communications link to the video display device and while

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preserving the transport portion of the communications link” (Fig. 2B, controller 260 for allowing different kinds of formats including logical and/or physical paths can be dynamically preserved for the communications link, refer gain to page 12-13, par. 0086 to par. 0088, are delivered to a plurality of display devices without any interruption, refer to page 14, par. 0100 for the controller, and page 17, par. 0122 for different formats can be displayed on the display device as shown in Fig. 3).

As for claim 2, Reisman further discloses “wherein said means comprises: a source control library; and a streaming library; wherein said stream controller is connected between said source control library and said streaming library; and wherein the communications link between an interconnected video display device and the streaming library does not change in response to a video source or video format change” (page 30, par. 0219 as the media server comprises a library for management; and Fig. 2B, controller 260 for allowing different kinds of formats are delivered to a plurality of display devices without any interruption, refer to page 14, par. 0100 for the controller, wherein the controller connects to the locally stored server for media retrieval and management, and the connection is uninterrupted as noted in claim 1).

As for claim 3, Reisman discloses “wherein the source control library comprises: a source route selection module; and a plurality of media sources connected to the source route selection module; wherein the source route selection module selects which media source provides data to the stream controller” (pages 12-13, par. 0088 for the use of gateways, routers, or network nodes for route selections on sources, and page 17, par. 0116 for modules adapted to connect to the gateways, routers and/or network nodes as explained earlier in Fig. 1 and page 14, par. 0098 for home network connection or LAN connections).

As for claim 4, Reisman discloses “wherein said media sources comprise at least two of the following: an analog video source; an Ethernet streaming video source; and a hard disk drive” (page 11, par. 0078 for video data source in both analog and digital form; page 12, par. 0087 for Ethernet as for a source transmission; and page 17, par 0118 for hard disk drive for storing contents and it becomes one of content resources).

As for claim 5, Reisman further discloses “wherein said media sources comprise a plurality of analog video sources, and further comprising: a plurality of analog video decoders, each analog video decoder connected to a respective analog video source; an analog source router multiplexer connected to the analog video decoders; and a plurality of digital compression encoders connected between the analog source router multiplexer and the source route selection module” (page 16, par. 0112 for analog decoder as CODECs, multiplexors, and digital decoders as MPEG-2 decoders with a number of modules).

As for claim 6, Reisman discloses “wherein at least one of said media sources comprises an Ethernet streaming video source, and further comprising: an Ethernet streaming video interface connected between the Ethernet streaming video source and the source route selection module” (page 14, par. 0098 for home network uses streaming media, internet, servers and so on; and using interfaces as noted in page 17/par. 0116 and page 19/par. 0133 for a browser to the user so that the user can interact and request media information to the system; and page 12/par. 0087 as Ethernet is one of transmission network protocols).

As for claim 7, Reisman discloses “wherein at least one of said media sources comprises an audio/visual hard disk drive” (refer to claim 4 above), and “further comprising: a personal video recorder/file playback module connected between the hard disk drive and the source route selection module” (page 4-5/par. 0039 for a VCR or recorder, and page 5/par. 0060 for a personal video recorder PVR for recording and playback capability).

As for claim 8, Reisman discloses “wherein the stream controller comprises: a streaming module interface package connected to the source route selection module” (Fig. 2b, item 260 is a controller/a set top box containing module interface for interfacing to other route source module, and as illustrated in Fig. 5 for interface module to other module, refer to page 19/par. 0133).

As for claim 9, Reisman further discloses “wherein the stream controller further comprises: a universal plug and play (UPnP) software stack connected to the streaming module interface package; and wherein the network display terminal accesses the UPnP software stack via a network connection” (page 7/par. 0055 for software tasks, and page 17/par 0116 for Universal Plug and Play UPnP).

As for claim 10, Reisman discloses “wherein the streaming library comprises: at least one real time streaming protocol/real time transport protocol (RTSP/RTP) streaming module connected to the streaming module interface package” (page 12/par. 0087).

As for claims 11 and 12, Reisman discloses “wherein the streaming library further comprises: at least one hypertext transfer protocol (HTTP) streaming module connected to the streaming module interface package” and “wherein the streaming library further comprises: at least one user datagram protocol (UDP) streaming module connected to the streaming module interface package” (page 12/par. 0087 for HTTP, UDP, RTP and other protocols are used within the system).

As for claim 13, Reisman further discloses “wherein the network display terminal is connected to at least one of: the RTSP/RTP streaming module, the HTTP streaming module, and the UDP streaming module” (refer to claims 10-12 above, with the set top box acts as the controller in providing user interfaces to other devices, modules, nodes, gateways, routers and so on, refer to page 14/par. 0098 & 0100 using all kinds of streaming modules with streaming protocols as noted in page 12/par. 0087, for providing metadata as noted in page 13/par. 0089).

Regarding claims 14-25, these claims for “an apparatus for accommodating a change of digital streaming formats or sources in a video server system, comprising: a source control library; a streaming library; and a stream controller connected between the source control library and the streaming library; wherein a streaming connection, established between a network display terminal and the streaming library does not change in response to a video source or video format change” and “wherein the source control library comprises: a source route selection module; and a plurality of media sources connected to the source route selection module; wherein the source route selection module selects which media source provides data to the stream controller” with same limitations as addressed are rejected for the reasons given in the scope of claims 1-13 as clearly discussed and explained above.

As for claim 26, Reisman discloses “a method for managing video streams provided by a home video server, comprising: receiving a request for streaming content from a network display terminal; selecting a first stream source for the streaming content; establishing a streaming protocol connection with the network display terminal; packetizing the streaming content from the first source; transmitting packetized streaming content to the network display terminal; and maintaining the streaming protocol connection with the network display terminal when a second stream source is selected” (refer to claim 1 above, with the packetizing the streaming content is also taught by Reisman, as in page 66, par. 0600 for IP packets are tunneling through cable/VOD protocols addressed).

As for claims 27-34 and claim 35 for “a home video server system, comprising: a home video server; at least one network display terminal connected to the home video server; means for receiving a request for streaming content from the network display; means for selecting a stream source for the streaming content; means for establishing a streaming protocol connection with the network display terminal; and means for maintaining an established streaming protocol connection with the network display terminal when the stream source or format changes” with same limitations as addressed earlier are rejected for the reasons given in the scope of claims 1-13 as clearly discussed and explained above.

Response to Arguments

3. Applicant's arguments filed on 8/01/05 have been fully considered but they are not persuasive.

Applicants seem mistakenly conclude that the examiner "may not fully understand what is being disclosed both in the Applicant's claims and the Reisman reference." The examiner respectfully disagrees because what the examiner's views as disclosed in the office action is what an ordinary skill in the art would realize the same due to the incomplete and broad description of the claim languages from the applicants.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., logical communication links and the appropriate method of preserving the logical communications link) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicants argue that "a communications link" herein refer to "a logical link" not "a physical link" so the "breaking the communications link" here refer to something else not physically breaking of connections of wires and so on (refer to the applicants' remarks), as disclosed in the specifications and the applicants need not to address them; and that was a valid error of the applicants by doing so. "A communications link" simply means a way of communicating between users either using a wired link or a wireless link such as cable, coax, satellite, RF, IF using transmitters and receivers for transmitting and receiving signals in order to

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establish “a communications link.” How would anyone automatically assume it refer to “a logical link” as suggested by the applicants without properly claiming it?

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Therefore, the examiner stands with the disclosure and teaching of Reisman, not limited to the cited paragraphs in the office action but also to the entire reference of Reisman, as previously disclosed in the non final office action and now discussed in this final office action.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal flourish extending to the right.

Kieu-Oanh Bui
Primary Examiner
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KB

Oct. 11, 2005